

REMARKS

The Examiner is thanked for the performance of a thorough search.

Claims 1 and 10 have been amended.

No claims have been added or cancelled. Hence, Claims 1-18 are pending in the application.

I. SUMMARY OF THE REJECTIONS

Claims 1-18 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Rich et al., U.S. Patent No. 6,457,065 ("RICH").

II. REJECTIONS BASED ON THE CITED ART

A. CLAIMS 1 AND 10

Claims 1 and 10 recite the following features:

receiving a command to perform one or more file system operations;
in response to said command, performing **a plurality of operations including said one or more file system operations;**
wherein the step of performing the plurality of operations includes:
performing **a first subset of said plurality of operations as part of a first transaction;** and
performing **a second subset of said plurality of operations as part of a second transaction that is nested in said first transaction,**
wherein each of said one or more file system operations is included in at least one of the first subset of said plurality of operations and the second subset of said plurality of operations.

The Applicants respectfully submit that these features are not disclosed, taught, or suggested by RICH.

1. RICH does not describe, either explicitly or implicitly, that one or more file system operations are performed as part of nested transactions
 - a. RICH does not describe the performance of file system operations

The Office Action asserts that RICH expressly describes that files system operations are supported. Specifically, in page 6, numbered paragraph 16, the Office Action states:

Rich discusses a transactional approach to performing operations upon data, particularly data in a database or persistent storage. Furthermore, Rich explicitly states that file system operations are supported (col. 21 lines 51-55, "Any type of persistent store, however organized [such as a file system], may be used").

The Applicants respectfully disagree with the assertion that in col. 21, lines 51-55 RICH "explicitly states that file system operations are supported." In fact, the term "file system operation" is not even mentioned, used, or recited anywhere in RICH.

In col. 21, lines 51-55, RICH states:

The discussions of **persistent store** herein are in terms of using a "database". However, it is to be understood that this is for ease of reference. **Any type of persistent store, however organized (such as a file system), may be used without deviating from the inventive concepts disclosed herein.** (Emphasis added)

Thus, RICH does NOT explicitly state that file system operations are supported. What the above paragraph teaches is that any type of persistent store, however organized (e.g., as a file system), may be used without deviating from the inventive concepts disclosed in RICH.

When taken in the context of the disclosure in RICH, the above paragraph teaches that any type of persistent store, however organized, **may be used without deviating from the inventive concepts disclosed in RICH.** This is significant, because the invention in RICH "defines a **remote object replication technique** that eliminates the need to transfer high

numbers of messages for object access across a network.” (RICH, col. 7, lines 33-35, emphasis added). Moreover, RICH teaches that the term “object” carries its ordinary meaning as understood in the art, which is an instantiated object-oriented class that encapsulates object attributes that carry data with methods that operate on the object attributes. (See col. 1, line 60 to col. 2, line 8.) Nothing in RICH describes, teaches or suggests that the term “object” is used to mean anything but this ordinary meaning, let alone suggest that somehow “object” is used to describe an element of a file system, such as, for example, a file or a folder.

Furthermore, the persistent store in RICH is a persistent store of OBJECTS. (See col. 3, line 20-21; col. 3, line 46; col. 8, lines 12-13). With respect to the persistent store, RICH states in col. 8, lines 10-15 that

The concept of a persistent store is well known, and will not be described in detail herein. In a client/server or multi-tiered environment, **a persistent store of objects may be maintained in one or more locations which are accessible by applications in the computing environment**, such as one or more common databases.

Thus, the above passage makes it clear that (1) the persistent store in RICH is a persistent store of objects, and (2) the objects in the persistent store are maintained by applications in a computing environment.

For the above reasons, it is clear that the passage in RICH, in col. 21, lines 51-55, means that any type of persistent store of objects (which may be organized as a file system) may be used to implement the remote object replication technique which is claimed as the invention in RICH. Significantly, and contrary to the assertion in the Office Action, just because the permanent object store may be organized as a file system, it does NOT necessarily follow that the invention of RICH supports file system operations. As shown above, the remote object replication techniques described in RICH pertain to objects and not to any elements of a file

system, such as, for example, files or folders. Further, the objects in the persistent object store are accessed and maintained by applications (such as, for example, database servers) and not by the file system.

Thus, the Applicants respectfully submit that RICH does not describe either explicitly, implicitly, or inherently, that file system operations are supported.

b. RICH does not describe that file system operations are included in nested transactions

Simply because a persistent object store may be organized as a file system, it does not necessarily follow that the operations in the RICH transactions necessarily include file system operations. In fact, RICH expressly states that the transactions include executing operations that manipulate objects and NOT operations that may somehow be equivalent to file system operations.

In col. 7, line 53-59, RICH states:

According to the present invention, the scope of the replication is a transaction. **What constitutes a transaction is an application-dependent decision. Using commonly-known industry terms, a transaction represents a logical group of changes to one or more objects that will be performed in an atomic manner** (that is, either all operations within the transaction are performed, or none of them are performed). (Emphasis added.)

Thus, RICH expressly states that “transaction” is defined as a logical group of changes to one or more objects that will be performed in an atomic manner. Moreover, the above passage makes it clear that the operations performed in a transaction are operations that change objects and NOT file system operations as featured in Claims 1 and 10. Furthermore, with respect to nested transactions, in col. 11, lines 15-20, RICH expressly states that “one or more concurrent and/or

nested transactions may span one or more nodes of a distributed object system, where the present invention uses a **nested transaction tree for maintaining the integrity and consistency of the replicated objects used within the transactions.**” (Emphasis added.)

From the above, it is abundantly clear that any transactions in RICH (whether nested or not) include operations on OBJECTS and NOT file system operations. Furthermore, given the fact that RICH does not even mention the term “file system operation”, the Applicants do not consider that RICH even suggests that any of RICH’s transactions may include, either implicitly or inherently, file system operations as recited in Claims 1 and 10.

For the above reasons, since RICH fails to show that one or more file system operations are performed as part of nested transactions, the Applicants respectfully submit that RICH does not anticipate Claims 1 and 10 under 35 U.S.C. § 102(e). Reconsideration and withdrawal of the rejections are respectfully requested.

2. RICH does not describe, either explicitly or implicitly, the feature of Claims 1 and 10 of receiving a command to perform one or more file systems operations

The Office Action asserts the feature of Claims 1 and 10 of “receiving a command to perform one or more file system operations” is described in RICH in col. 7, lines 56-59, col. 17, lines 51-57, and col. 19, lines 30-33. The Applicants respectfully disagree.

As discussed above, the Applicants respectfully submit that RICH does not describe, teach, or suggest the performance of file system operations. Furthermore, the passages the Office Action recites to show the feature of “receiving a command to perform one or more file

system operations” do not seem relevant to this feature of Claims 1 and 10. Since the Office Action does not specify what in the above passages corresponds to a command, to one or more file system operations, or to receiving the command, the Applicants are left to guess as to the connection between the passages and the above feature of Claims 1 and 10.

In col. 7, line 56-59, RICH states that

a transaction represents a logical group changes to one or more objects that will be performed in an atomic manner (that is, either all operations within the transaction are performed, or none of them are performed).

This is simply a definition of what the term transaction means and has nothing to do with “receiving a command”.

In col. 17, lines 51-57, RICH states:

At Block 920, the transaction management system executes a database query (or other data store retrieval command) in accordance with known techniques to retrieve the requested object from the database or data store in which it resides.

This passage describes the execution of a database query to retrieve a requested object from the database or data store in which the object resides. The Applicants fail to see how the execution of a database query to retrieve an object from a persistent object store may be even remotely related to “receiving a command to perform one or more file system operations” as recited in Claims 1 and 10.

Finally, in col. 19, lines 30-33, RICH states:

Block 1305 invokes processing of appropriate database commands to commit the changes to the database (or other persistent store, using commands appropriate for that storage facility).

In the above passage, Block 1305 is described with reference to FIG. 13 of RICH. In FIG. 13, RICH describes the committing of a local child transaction (col. 19, line 18-20.) Further, as can be seen in FIG. 13, the logic of the depicted flow chart deals with merging the versions of

objects. Specifically, the “appropriate database commands” in Block 1305 are performed if the local child transaction is a top-level transaction. The Applicants respectfully submit that it is unclear what, if anything, the committing of a top-level child transaction (as defined in RICH) has to do with “receiving a command to perform one or more file system operations”.

Thus, the Applicants respectfully submit that the above three passages from RICH do not describe the feature of Claims 1 and 10 of “receiving a command to perform one or more file system operations.”

In page 7, numbered paragraph 18, the Office Action states:

First, it should be noted that Rich describes a transaction management subsystem issuing database operations, i.e. queries, to retrieve objects from a database or storage (col. 17 line 51-57). Further, Rich describes a transaction as a “logical group of changes to one or more objects that will be performed in an atomic manner” (col. 7 lines 56-59). Finally, Rich discusses these transactions being performed upon any type of storage medium, including databases, persistent storage, or file systems (col. 21 lines 51-55). Thus, Rich clearly discloses receiving a command to perform a plurality of file system operations.

The Applicants respectfully submit that the three premises recited by the Office Action do NOT support the conclusion that “RICH clearly discloses receiving a command to perform a plurality of file system operations.”

First, the Applicants respectfully submit that database queries and file system operations are NOT equivalent.

Second, the Office Action seems to assert that the database queries to retrieve an object are performed as a transaction. However, as RICH clearly states in col. 7, lines 56-59, a transaction represents a logical group of changes to one or more objects. Thus, the Office Action seems to assert that the changes to one or more objects are performed through database queries. However, the Applicants cannot find anything in RICH that suggests that the changes

to objects, which changes are performed by invoking methods of the objects (see RICH, col. 2, lines 4-8), are performed through database queries.

Finally, the fact that a persistent object store may be organized as a file system (as described in col. 21, lines 51-55 of RICH), does not necessarily mean that “logical changes to one or more objects” are inherently made by using file system operations. In fact, the Applicants are not aware of any file system operation that can execute a method, which is associated with an object that is instantiated from an object-oriented class, to effectuate a change to the object. Furthermore, RICH does not describe that an object from a persistent store of objects may be stored as a file in a file system. In fact, RICH is completely silent as to how a persistent object store organized as a file system maintains the objects in the store.

For the above reasons, the Applicants respectfully submit that RICH fails to describe the feature of Claims 1 and 10 of “receiving a command to perform one or more file system operations”. Thus, the Applicants respectfully submit that RICH does not anticipate Claims 1 and 10 under 35 U.S.C. § 102(e), and reconsideration and withdrawal of the rejections are respectfully requested.

3. RICH fails to teach performing a first subset of the plurality of operations as part of a first transaction and performing a second subset of the plurality of operations as part of a second transaction that is nested in the first transaction

In the Reply to the previous Office Action, the Applicants argued that the broad citations of whole columns from RICH did not provide the Applicants with adequate notice of

exactly what in the RICH reference corresponds to or constitutes each element or feature of the claims.

Specifically, with respect to the features of Claims 1 and 10 of **“performing a first subset of said plurality of operations as part of a first transaction”** and **“performing a second subset of said plurality of operations as part of a second transaction that is nested in said first transaction”**, the Applicants argued that the large portions of RICH (namely, col. 7, line 53 to col. 8, line 18, and col. 8, line 63 to col. 9, line 40) that the Office Action cited to show the above two features do NOT support the assertion that RICH describes these two features.

However, instead of specifically identifying what in RICH corresponds to each of the features of Claims 1 and 10 of **“performing a first subset of said plurality of operations as part of a first transaction”** and **“performing a second subset of said plurality of operations as part of a second transaction that is nested in said first transaction”**, the present Office Action recites the same large portions from RICH without any explanation of how the portions are relevant to these two features.

Furthermore, the present Office Action did NOT respond or in anyway address the Applicants’ arguments with respect to these two features.

Thus, for the reasons stated in the Reply to the previous Office Action the Applicants respectfully submit that the features of Claims 1 and 10 of **“performing a first subset of said plurality of operations as part of a first transaction”** and **“performing a second subset of said plurality of operations as part of a second transaction that is nested in said first transaction”**, are not taught, suggested, or described in col. 7, line 53 to col. 8, line 18, and col.

8, line 63 to col. 9, line 40, of RICH. Thus, reconsideration and withdrawal of the rejection of Claims 1 and 10 under 35 U.S.C. § 102(e) over RICH is respectfully requested.

B. CLAIMS 2-9 AND 11-18

Claims 2-9 and 11-18 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by RICH.

Each of Claims 2-9 and 11-18 is dependent upon one of independent Claims 1 and 10, and thus includes each and every feature of its corresponding independent claim. Each of Claims 2-9 and 11-18 is therefore allowable for the reasons given above for Claims 1 and 10.

In addition, each of Claims 2-9 and 11-18 introduces one or more additional features that independently render it patentable.

However, in rejecting Claims 2-9 and 11-18, the Office Action provides broad citations of whole columns in RICH and does not specify exactly what in the RICH reference corresponds to or constitutes each feature of the claims. In an Office Action “the particular part relied on must be designated as nearly as practicable ... The pertinence of each reference, if not apparent, must be clearly explained ...” (MPEP §707, citing 37 C.F.R. §1.104(c)(2)), and “the particular figure(s) of the drawings(s), and/or page(s) or paragraph(s) of the reference(s), and/or any relevant comments briefly stated should be included.” (MPEP §707). The present citations to RICH do not provide the Applicants with adequate notice or reasonable particularity with respect to the basis of the rejections. Instead, large portions of RICH are simply identified in a non-specific way. As a result, the Applicants have had to engage in guesswork to determine the basis of the rejections.

Since the Applicants cannot determine the relevance of the large portions from RICH cited to reject Claims 2-9 and 11-18, the Applicants respectfully request that any subsequent Office Action identifies with the reasonable particularity required by MPEP §707 the elements from RICH that constitute each of the features of Claims 2-9 and 11-18. Because of this, and due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those features is not included at this time.

Therefore, it is respectfully submitted that Claims 2-9 and 11-18 are allowable for the reasons given above with respect to Claims 1 and 10. For this reason, reconsideration and withdrawal of the rejections of Claims 2-9 and 11-18 under 35 U.S.C. § 102(e) are respectfully requested.

III. CONCLUSION

The Applicants believe that all issues raised in the Office Action have been addressed. Further, for the reasons set forth above, the Applicants respectfully submit that allowance of the pending claims is appropriate. Reconsideration of the present application is respectfully requested in light of the amendments and remarks herein.

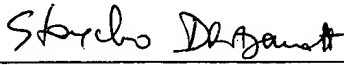
The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: June 2, 2005



Stoycho D. Draganoff
Reg. No. 56,181

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
Telephone No.: (408) 414-1080 ext. 208
Facsimile No.: (408) 414-1076